

Dated: September 14, 1995.
 William E. Ludwig,
Administrator, Food and Consumer Service.
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Forest Service

Upper Ocoee River Recreation Management, Ocoee Ranger District, Cherokee National Forest, Polk County, TN

AGENCY: Forest Service, USDA.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposed action to construct and administer new dispersed and developed recreational facilities in the upper Ocoee River Corridor. Included in the analysis and decision making process is the future management of the facilities being constructed for pre-Olympic and Olympic events in connection with the 1996 Olympic Slalom Canoe and Kayak events.

The Forest Service, Tennessee Valley Authority (TVA), and State of Tennessee Department of Environment and Conservation (State hereafter) jointly manage commercial and noncommercial recreational use on sections of the lower Ocoee River, the management of which is not part of this analysis. The Forest Service is the lead agency responsible for preparing the environmental impact statement, since the focus of the analysis centers on lands administered by the Cherokee National Forest. The Tennessee Valley Authority will participate as a cooperating agency in the environmental analysis. TVA has responsibility for providing approval under section 26a of the TVA Act for construction of water use facilities and for managing water flows within the Ocoee River watershed for power generation. The State of Tennessee has a strong interest in the Ocoee Region and will provide valuable resource information during the environmental analysis.

The Forest Service gives notice and invites comment on the scope of the environmental analysis and decisionmaking process. This will ensure that interested and affected individuals, groups, organizations, and agencies have the opportunity to participate in and contribute to the environmental analysis and decision making process.

DATES: Comments should be received by November 6, 1995, to ensure timely consideration.

ADDRESSES: Send written comments to Dave Carroll, Future Use Team Leader, Cherokee National Forest, P.O. Box 2010, Cleveland, TN 37320.

FOR FURTHER INFORMATION CONTACT: Dave Carroll, NEPA Coordinator, (423) 476-9700.

SUPPLEMENTARY INFORMATION: On March 23, Forest Supervisor John F. Ramey signed a Record of Decision (ROD) authorizing the construction of the Olympic Canoe and Kayak Slalom Venue on the Ocoee River within the Cherokee National Forest. The venue which is still under construction consists of a 1700 foot competitive channel, a 7600 square foot administrative building and two bridges across the Ocoee River. The ROD did not make a decision concerning the use of the venue site beyond the Olympic games because of uncertainties connected with water availability. As a cooperating agency, TVA issued its own ROD on May 18, 1994 granting 26a approval for construction of the venue and other facilities within the 100 year floodplain and authorizing water release for pre-Olympic and Olympic events. At the time both RODs were signed, it was recognized that the facilities could possibly be used for athlete training, future competitive events and general recreational use. However, any proposed use of the facilities beyond the 1996 Olympic games would require additional environmental analysis.

In addition to the recreational aspects of the Venue, there are additional opportunities in the Upper Ocoee River corridor for recreational development. The existing recreational facilities within the lower Ocoee River corridor are approaching maximum use capacity. The growing public demand for recreational areas requires facilities that will provide quality developed and dispersed recreational opportunities while protecting the natural beauty and resources of the area. Use on the lower Ocoee so far this summer is thirty percent greater than for the same period in 1994. Over 230,000 people have used the services of commercial outfitters and an estimated 30,000 recreational boaters have paddled the lower Ocoee. Forest Service developed swimming areas and campgrounds are heavily used. Parking areas are generally filled to overflowing and pullouts along U.S. Highway 64 are heavily used for parking. There is high demand for water-based recreational access to the deep, blue-green pools that occur within the upper Ocoee River channel. This area is used by local

residents as well as tourists. **DECISIONS TO BE MADE:** The following decisions are to be made upon completion of the environmental analysis by the Forest Service and TVA. The decisions to be made by the Forest Service are:

1. Whether to construct additional dispersed and developed recreation facilities and if facilities are developed, where they will be located. Facilities include trails, picnic areas, campgrounds, river access roads or trails, and launch facilities for kayakers, canoers, tubers, and rafters.

2. Whether commercial outfitting and associated facilities such as parking areas, change houses, and put-ins and take-outs will be allowed on National Forest System lands.

3. Whether to allow future competitive use of the Olympic venue (venue includes all facilities constructed for the Olympic competition) and under what conditions any such use would be allowed.

The decisions to be made by TVA are:

1. Whether to provide section 26a approval of proposed facilities.

2. Whether to provide water releases on the Upper Ocoee for post Olympic competitive, recreational and/or commercial uses of the river.

Scoping

Preliminary scoping between TVA and Forest Service personnel has identified the following preliminary issues related to development of the upper Ocoee River:

1. What are the appropriate opportunities within the upper river corridor;

2. What are the effects of additional recreational use within the upper Ocoee corridor on the adjacent Little Frog Wilderness and the wilderness experience;

3. What are the short-term and long-term effects of increased recreational development on the local and regional demographics and economies;

4. What are the effects of increased visitation on river management, commercial outfitters, private users, and natural and heritage resources within the river corridor;

5. What impact will increased development have on fish and wildlife habitat especially, threatened and endangered species;

6. How will water quality be affected by increased visitation and by scheduled water releases;

7. What impact will increased demand for downstream recreational water have on upstream reservoirs;

8. What are the effects on the complexity and cost of TVA's water management and power generation

systems of scheduled water releases from Dam Number 3;

9. Will scheduled water releases into the Ocoee River channel between Dam Number 3 and Dam Number 2 impact the re-establishment of aquatic life in this section of river and if so will this affect operation of TVA's Toccoa/Ocoee River power generation operations; and

10. How will transportation facilities in the general area be affected.

In preparing the environmental impact statement, a range of alternatives will be considered to meet the purpose and need for the proposed action including at a minimum, the proposed action and the no action alternatives. Additional alternatives may be developed to address significant issues received during the scoping process. The EIS will disclose the direct, indirect, and cumulative effects of implementing each of the alternatives.

Development of recreation opportunities may impact the floodplain of the Ocoee River. Consonant with Executive Order 11988, Floodplain Management Guidelines, the environmental impact statement will analyze and disclose impacts to floodplains and the potential effects of facility construction within the Ocoee River floodplain.

Public participation will be especially important at several points during the analysis process. The first point in the analysis is the scoping process (40 CFR 1501.7). The scoping process includes, but is not limited to:

- (1) Identifying potential issues,
- (2) Identifying issues to be analyzed in depth,
- (3) Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis,
- (4) Exploring additional alternatives, and
- (5) Identifying potential environmental effects (i.e., direct, indirect, and cumulative) of the alternatives.

The Forest Service is seeking information, comments, and assistance from Federal, State and local agencies, and other individuals or organizations who may be interested in or affected by the proposal. This information will be used in the preparation of the draft environmental impact statement. Notification letters will be sent to all known interested and/or affected parties and the media to solicit public participation.

Public briefings will be held to provide information and to gather issues and concerns on the proposed action. When the dates and locations of workshops have been determined, this

information will be made known through local media, direct contact with known interested publics, and direct mailings.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by March 1996. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the Federal Register.

The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. Upon release of the draft environmental impact statement, projected for March 1996, reviewers must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers position and contentions.

Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, Supp. 1334 (E.D. Wis. 1980) Because of these court rulings, it is very important that those interested in this proposal participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

After the comment period ends on the draft environmental impact statement, the comments will be analyzed, considered, and responded to by Agencies in preparing the final environmental impact statement. The final environmental impact statement is scheduled to be completed by June 1996.

The responsible official will consider the comments, responses, and environmental consequences disclosed in the final environmental impact statement, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible official will document the decision made and reasons for the decision in a Record of Decision.

The responsible official is John F. Ramey, Forest Supervisor, Cherokee National Forest, P.O. Box 2010, Cleveland, TN 37320.

Dated: September 8, 1995.

John F. Ramey,

Forest Supervisor.

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Grain Inspection, Packers and Stockyards Administration

Pilot Programs Allowing More Than One Official Agency to Provide Official Services Within a Single Geographic Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice

SUMMARY: GIPSA announces two pilot programs allowing more than one official agency to provide official services within a single geographic area.

EFFECTIVE DATE: November 1, 1995.

ADDRESSES: Neil E. Porter, Director, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454.

FOR FURTHER INFORMATION CONTACT: Neil E. Porter, telephone 202-720-8262.

SUPPLEMENTARY INFORMATION:

Sections 7(f) and 7A of the United States Grain Standards Act, as amended (Act), were amended by the U.S. Grain Standards Act Amendments of 1993 (Public Law 103-156) on November 24, 1993, to authorize GIPSA's Administrator to conduct pilot programs allowing more than one official agency to provide official services within a single geographic area without undermining the declared policy of the Act. The purpose of pilot programs is to evaluate the impact of allowing more than one official agency to provide